

**REMARKS**

The above-identified application was allowed in the Notice of Allowance mailed August 26, 2004. This Amendment under 37 C.F.R. § 1.312 is being filed before or with the payment of the Issue Fee.

Applicants have amended the specification to include the reference required by 37 CFR § 1.78(a)(2). No claims have been amended, and therefore, the amendment does not affect the patentability of the claims. As such, no additional search or examination is necessary. The reference had been indicated in the Application Transmittal but omitted in the Preliminary Amendment due to a clerical error. Upon review of the application after receiving the Notice of Allowance, the omission was identified. MPEP § 201.11 (III)(D) states that “[t]he reference required by 37 CFR § 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence following the title. If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR § 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR § 1.78(a), the Office will not require a petition under 37 CFR § 1.78(a) and the surcharge under 37 CFR § 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.” Applicants respectfully submit that the filing receipt dated April 6, 2004 and the application transmittal letter dated December 24, 2003 both include the priority claim information. As such, Applicants respectfully submit that this Amendment 37 C.F.R. § 1.312 should be entered without petition or fee.

In view of the foregoing, Applicants respectfully request entry of this Amendment.

Moreover, Applicants respectfully believe that no fees are due in connection with the filing of this Amendment under 37 C.F.R. § 1.312. However, if any fees are due in connection with the filing of this paper, please charge such fees to our Deposit Account No. 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:



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